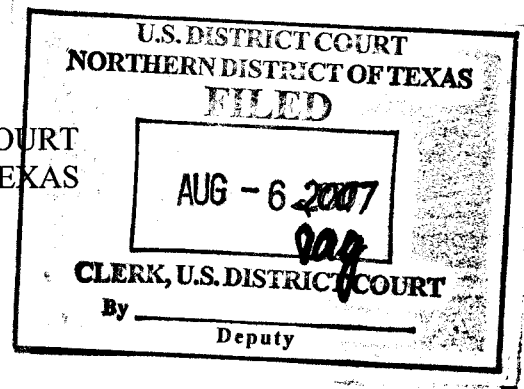


City M & County ATT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



FABIAN THOMAS,

Plaintiff,

v.

JOANN JOHNSON, Chairman,
National Credit Union Administration,

Defendant.

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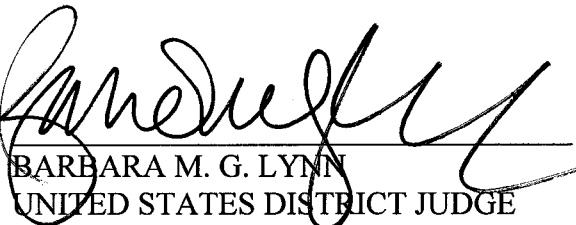
Civil Action No. 3:06-CV-2166-M

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On June 7, 2007, United States Magistrate Judge William F. Sanderson, Jr., made Findings, Conclusions and a Recommendation in this case. No objections were filed. The Court thus reviews the Findings, Conclusions and Recommendation for plain error. The Court finds no plain error in the conclusion beginning at the bottom of page 2 of the Findings, Conclusions and Recommendation that the Equal Employment Opportunity Commission conceded that Plaintiff had exhausted his administrative remedies and, that if he filed suit, administrative proceedings would end. For that reason alone, the Court finds that Plaintiff exhausted his administrative remedies and accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Defendant's motion to dismiss under 12(b)(1) and (6) is DENIED.

SIGNED this 6 day of August, 2007.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE